

DEPARTMENT OF STATE

ACTING SECRETARY OF STATE
EXHIBIT REVIEW
Ambassador BARKER
Ambassador LOMBARD
USCIB BARKER

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Reviewed by: Elijah Kelly Jr. Following are your instructions for work relating with Group (which you

Date: 4/14 (Please insert for early date) concerning which instructions to the extent of

policy with by Committee and Secretary

The Board will have

following instructions:

1. All Government confidential information of value to the United States should be handled in accordance with the following instructions:

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3. When Soviet Foreign Minister gave his preliminary reactions to presentation of US position, he also indicated that US statements would require serious thought and consideration. We will therefore be interested in hearing his further views on various points raised.

4. In this connection it might be well to begin by eliminating one subject on which it is obvious from outset that no meeting of minds is possible, and from what Gromyko has said can be set aside. Proposal for single peace treaty with both GDR and Federal Republic or for a separate peace treaty with GDR is not acceptable to West. We believe that any action which attempts formally to legalize division of Germany would be serious mistake, even regarded from Soviet viewpoint. However, we know that Soviet Union holds other views, and it is clear from our previous discussions that we are living with this situation and do not contemplate any use of force to change it. Entire NATO posture is based on this approach.

5. In referring to possibility of all-Berlin solution, Soviet Foreign Minister took position that this question could not be discussed and that East Berlin is completely integrated into GDR. He also stated that construction of wall was necessary to combat threats against East Berlin. In such latter public statement, it is our purpose of course to give no indication of our attitude toward action which took place on August 13, 1961. The substance of our attitude is clearly indicated by statement that wall was not a permanent barrier but an indication of GDR's position, the construction of which was a result of the fact that as a result of wall and of existing actions directed against East Berlin, the Soviet Union was in practice, complicated situation. The Soviet Union is in a position to take action at any time.

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Soviet officials, while the Government, therefore, continues to consider that all-Berlin solution based upon recognition of continuing Four-Power responsibilities, is best and most logical approach to problem, it cannot help but draw certain conclusions from fact that these unilateral actions have been taken. One of these conclusions is that Soviets, having attempted to dispose of their sector of city without consent of West, now claim right to have determining voice in disposition of Western sectors of city. Not only is there lack of logic in Soviet approach, but pressure which is being brought on Western Powers to consent to modifications of status is in the form of threat of further unilateral abandonment of its responsibilities by Soviets to GDR -- in this case those relating to Berlin aspect.

6. A noteworthy example of such lack of logic is what Soviets are claiming as alleged effect of young treaty on occupation rights in West Berlin. West Berlin has never been part of GDR. No treaty between Soviet Union and GDR was, therefore, terminating occupation rights of Western Powers. Question may further be asked why, if Soviet Union has in mind agreement with respect to Western position in West Berlin, so much importance is attached to this agreement. Answer: Such agreement and subsequent rights. Conclusion is that Soviets believe that, in such way, rights of Western Powers would be automatically terminated. It is one thing to say that, if such agreement is reached, it will not be binding on Western Powers. It is quite another to say that such agreement will automatically terminate their rights in West Berlin. This is a completely different matter.

7. One of the main reasons for the Soviet position is the fact that the Soviet Union is not a party to the 1945 Agreement on Berlin. It is this fact which is the basis of the Soviet position.

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Soviets cannot attack Western occupation as obsolete. The presence of Western troops is not obsolete if they remain in face of opposition of civilian population and if they no longer serve a function which we say that population considers essential. There

can be no question but that, in both respects, Western forces are far from obsolete.

If there is any question -- and we do not believe Soviets really seriously doubt this -- about desires of West Berlin population, Western Powers would be glad at any time to have properly supervised plebiscite held in West Berlin. Moreover, experience of Berliners over years has confirmed their conviction that presence of Western forces is necessary guarantee of continuing freedom. Experience of blockade and its continued harassment, pressures and threats from East Berlin have made no other point. Western Powers do not consider, therefore, that their continuing presence is negotiable.

As pointed out in January 5 conversation, Western Powers have never negotiated with Soviets on occupation rights but only on suspension and implementation of those rights. They do not expect that Soviet Union will voluntarily recognize continuation of occupation rights, but they do expect that it will do so in such a way as to take practical cognizance of the fact that there is a population in West Berlin -- including presence of Western forces -- which it cannot ignore.

8. After the Berlin Conference, we believe Germany will be primarily a subject of discussion. There may naturally remain problems of Berlin. These may naturally be further problems of Berlin. We are still in the process of discussing these problems. We do not expect to reach a final agreement on these problems. We are still in the process of discussing these problems. We do not expect to reach a final agreement on these problems.

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9. Two points on which Soviets have insisted in past which particularly require clarification are changed status for West Berlin and "respect for GDR sovereignty". Going back to Gromyko's remarks on these subjects during January 2 conversation, you should if this seems appropriate, attempt to draw him out further on his statement to you that it would be wrong to conclude that Soviets are prepared to leave West Berlin situation unchanged in view of threat present situation in Central Europe. We do not understand what threat present situation in West Berlin poses to Eastern Europe unless Soviets consider very existence of a free West Berlin to be such a threat. In putting questions, impression must, of course, be avoided that Western presence is in any way negotiable beyond points in para 3 of Annex III to Group Report of December 18, 1961.

✓ 10. As to "respect for GDR sovereignty", your effort should be directed towards attempting to nail down whether this obligation can be met largely in procedural terms by having GDR counter in arrangements on equal basis by Four Power agreement or whether some GDR role in action is what Soviets have in mind. The latter refers to fact that Soviet Union has frequently stated its position for sovereignty of GDR which we hope can be clarified. The latter position is based on Soviet Union's position as exception to the general principle of non-recognition of GDR and its full recognition of GDR by the Soviet Union. The latter position is based on the fact that GDR is not a sovereign state and that it is not a member of the United Nations. In actual fact GDR has a de facto government and a de jure government. This is the position of the United States. The latter position is based on the fact that GDR is not a sovereign state and that it is not a member of the United Nations. In actual fact GDR has a de facto government and a de jure government. This is the position of the United States. The latter position is based on the fact that GDR is not a sovereign state and that it is not a member of the United Nations. In actual fact GDR has a de facto government and a de jure government. This is the position of the United States.

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areas of activity has been on permissive basis subject to this authority. While Constitution of Federal Republic provides that West Berlin is Land of Federal Republic by virtue of suspension of pertinent articles of Bonn Basic Law in 1949 this portion of Constitution is inoperative in Berlin. If you deem it desirable further to spell out US understanding of present status West Berlin you may draw on BTF-34 as appropriate (copies pushed to you January 4 - Registry No. 526272). It may be worth pointing out that one of effects of termination of Western occupation would automatically be to end suspension these articles of Bonn Basic Law referred to above. You might remind Gromyko logical response to Soviet unilateral action towards incorporation of East Berlin into GDR would have been incorporation of West Berlin into Federal Republic. However, Western Powers have refrained from considering this action as not contributing to achievement of mutually acceptable arrangement under present circumstances.

13. Should Gromyko insist that Berlin cannot be discussed in isolation but must be related to broader questions asked at Yalta line under World War II, you should state that, in our view, the situation of Berlin during World War II is more important than drawing parallels to the situation under World War II. We must, therefore, consider issues in Berlin as issues in terms of vital interests of each side. If Gromyko insists on drawing parallels against alleged West German collaboration with the enemy, you should state that while Soviet leaders have placed great emphasis on the situation of Berlin, it must nevertheless be pointed out that the situation in Berlin is a result of the actions of Germany by turning West Germany over to Western powers. Western powers have not been and should not be

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for nonaggression purposes. You may also find it useful in this context to draw on relevant points made by President in his interview of November 23 with Adenauer and emphasize conviction of US that present Germany is thoroughly peaceful.

14. If Gromyko continues to insist on discussion of "broader questions" you might observe that every subject can obviously not be discussed simultaneously. We have placed initial stress on Berlin access which we believe critical issue for reasons indicated. He should understand, however, that what US would be prepared to say on other subjects will depend to great extent on reasonableness of position on Berlin access which we consider to be most appropriate question on which to begin at outset.

15. Re International Access Authority, we are sending in separate communication of proposal which you may find useful in further discussion with Gromyko. Do not believe, however, that specific language of future agreement should be held pending further explorations. The draft is being prepared; you may also draw for details on draft charter in DOD-57 revised November 1950. In view of Gromyko's reserve on Board of Governors, you should be careful not to give the impression that complete agreement on Berlin position and related issues has been reached.

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